IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2552 OF 2005.

Bhojya Tamayya Gauda & another. ... Appellants.
Versus.
Mema Engineers & Contractors
(P) Ltd. and others. ... Respondents.

Shri A.Ali i/by M/s.M.P.Vashi & Associates for the Appellants.

Shri V.B.Naik for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 24th April, 2006.

P.C.:

1. Heard the learned Advocate for the Appellants. The Appellants are the original Plaintiffs. Admittedly the suit filed by the Appellants is under section 6 of the Specific Relief Act, 1963. In view of sub-section (3) of section 6 of the said Act of 1963, Appeal is not maintainable.

2. The First Appeal is dismissed as not maintainable. The dismissal of the Appeal will not preclude the Appellants from adopting appropriate remedy for challenging the impugned Judgment and order.

Judge.